

1-17-1838

## Certain settlers in Tennessee.

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CERTAIN SETTLERS IN TENNESSEE.

[To accompany bill H. R. No. 418.]

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JANUARY 17, 1838.

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Mr. HARLAN, from the Committee on Private Land Claims, made the following

REPORT :

*The Committee on Private Land Claims, to which was referred the petition of certain settlers in the State of Tennessee, report :*

The committee refer to report No. 369 of the last Congress, for a detailed statement of the facts of the case. Whether the reservation of four miles square, referred to in that report, and contained in the 4th article of the treaty made between this Government and the Chickasaw Indians, at Old Town, the 19th October, 1818, has reverted to the United States, is a question not clear of difficulty; but, as our predecessors seemed to have had no doubt on that point, a majority of the committee are of opinion that the question should be submitted to the House; and, with that view, a bill is herewith reported for the relief of the petitioners.

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FEBRUARY 19, 1836.

*The Committee on Private Land Claims, to which was referred the petition of Tennessee settlers, report :*

The petitioners set forth in their petition, that they have been seated down in the actual cultivation and possession of the premises now occupied by them for twelve or fifteen years; these lands lie in the western district of Tennessee, and are comprehended in a tract of four miles square, on both sides of Sandy river, commonly called the Salt Lick reservation. They pray to be allowed all the rights and benefits of occupancy and pre-emption, which has been secured under the laws of Tennessee to other persons similarly situated, in the western district of Tennessee, who lived *out of said reservation*, and that they may be put upon an equality, in point of privileges and benefits, in every respect whatsoever. The committee have examined the facts upon which the prayers of the petitioners are based, and beg leave to state that, by the 4th article of the treaty of the 19th of October, 1818, at Old Town, between the Chickasaw Indians and the United States, it was stipulated and agreed that the be-

forementioned four miles square, should be reserved for the use and benefit of the warriors and poor Indians, with this limitation and condition, to wit: "For the benefit of this reservation, as before recited, the trustees or agents are bound to lease the said reservation to some citizen or citizens of the United States, for a reasonable quantity of salt, to be paid annually to the said nation, for the use thereof. And that, from and after two years from and after the ratification of this treaty, no salt made at the works on this reservation shall be sold within the limits of the same for a higher price than one dollar per bushel of fifty pounds weight; and on failure of which, the lease shall be forfeited, and the reservation revert to the United States." In pursuance of the above article, *James Brown* and *Levi Colbert*, two of the principal chiefs, were appointed agents and trustees, and proceeded to lease the same, with the view of carrying the stipulations of the treaty into effect, in this behalf. But it seems that the expectations of all parties concerned proved to be illusory and deceptive, as there was no salt water procured within said reservation from that time to this, and the objects in contemplation wholly failed, whereby the reservation reverted to the United States. The land, disconnected with the expectation of procuring salt, was of an indifferent quality, taking it in the aggregate. It now remains for the Government to take such steps as may be necessary, having in view a due regard to the cession act of North Carolina of 1789, and the compact between the United States, North Carolina, and Tennessee, in 1806, and the act of Congress, passed the 4th of April, 1818, entitled "An act supplementary to an act entitled an act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, passed the 18th of April, 1806. The 1st section of this act authorized the State of Tennessee to adopt such *rules, regulations, and restrictions*, in regard to the entering and appropriating the lands secured by the treaty aforesaid, (which comprehends what is now called the western district of Tennessee,) as was then in force in Tennessee, or by similar laws thereto. In pursuance of this authority, the State of Tennessee, in opening the land offices for the purposes mentioned in said act, gave (as she has done before in several instances) rights of occupancy and pre-emption to any person or persons who were seated down, on the 1st of September, 1819, in the actual occupation and cultivation of any piece of vacant and unappropriated land within this district of country, not exceeding one hundred and sixty acres, as will more fully appear by reference to the Land Laws of Tennessee, Haywood and Cobb's Revisal, page 88, and section 9. This privilege conferred no other benefit than this: that if the settlers would procure a good and genuine warrant, and extinguish so much of the North Carolina claims as he wished to enter, that the office should be open to him to appropriate his warrant to his occupant claim *sooner* than it was opened for general entries. If he did not procure a warrant to appropriate his claim, it was subject to the entry of any other warrant holder by a particular day. But such lands as were fit for cultivation in this reservation of four miles square were not subject to the laws of Tennessee, as it was not known to whom it would belong until it was ascertained whether or not salt could be procured, as was anticipated. That event being now perfectly

ascertained, by many experiments, in the negative, and that the land in this reservation has reverted to the United States, and as there are some outstanding warrants yet to satisfy, the petitioners pray that they may be placed in the same situation as all other settlers have been, and with the same privileges enjoyed by those who settled out of this reservation; and they ask no more.

The committee are of opinion that their prayers are reasonable, and such as ought to be granted, and have reported a bill accordingly.